

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the repeal of ARM)	NOTICE OF PROPOSED
12.9.206 pertaining to McLean Game)	REPEAL
Preserve)	
)	NO PUBLIC HEARING
)	CONTEMPLATED

TO: All Concerned Persons

1. On March 26, 2015, the Fish and Wildlife Commission (commission) proposes to repeal the above-stated rule.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on December 26, 2014, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-9785; or e-mail jesssnyder@mt.gov.

3. The commission proposes to repeal the following rule:

12.9.206 MCLEAN GAME PRESERVE

AUTH: 87-1-301, MCA
IMP: 87-1-305, MCA

REASON: The 1,464-acre McLean Game Preserve in Pondera County was established over 40 years ago to provide upland game bird nesting habitat. Following the death of the original property owner, the land within the preserve was purchased by two individuals. Since that time, much of the native rangeland has been converted to small grains production. The remainder is seasonally grazed and does not provide quality nesting habitat for upland game birds. Further, available nesting habitat in good condition exists in the vicinity of the preserve to meet the needs of local upland game bird populations.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Ryan Rauscher, Department of Fish, Wildlife and Parks, 514 South Front Street, Suite C, Conrad, Montana, 59425; fax (406) 761-8477; or e-mail r-rauscher.fwp@gmail.com, and must be received no later than January 9, 2015.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must

make written request for a hearing and submit this request along with any written comments to Ryan Rauscher at the above address no later than January 9, 2015.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be more than 25 based on the number of Montana citizens.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be made by completing the request form at any rules hearing held by the department.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the commission has determined that the repeal of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Dan Vermillion
Dan Vermillion
Chairman
Fish and Wildlife Commission

/s/ Zach Zipfel
Zach Zipfel
Rule Reviewer

Certified to the Secretary of State December 1, 2014.